



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2011-37

Legistar #: 20111019

Board of Zoning Appeals Hearing: Monday, November 28, 2011 – 6:00 p.m.

Property Owner: Transamerica International, Inc.
4470 Chamblee Dunwoody Road, Suite 333
Atlanta, GA 30338

Applicant: Same as above

Address: 642 Allgood Road

Land Lot: 10710 District: 16 Parcel: 0620

Council Ward: 5 Existing Zoning: PRD-MF (Planned Residential Development – Multi-Family)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to increase the height of a fence (wrought iron) in front and side yard from 4 ft. to 6 ft. (Section 710.04).
2. Variance to allow fence to be constructed less than 2 ft. of the public right-of-way. (Section 710.04).

Statement of Fact

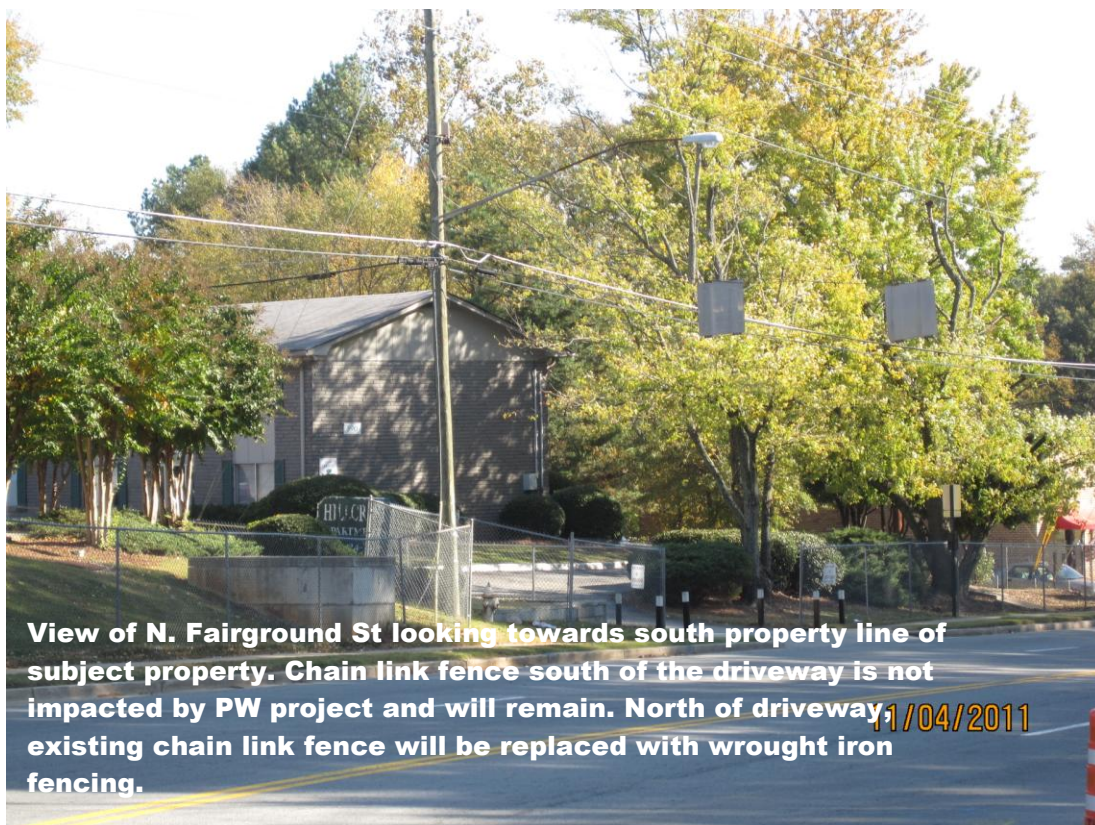
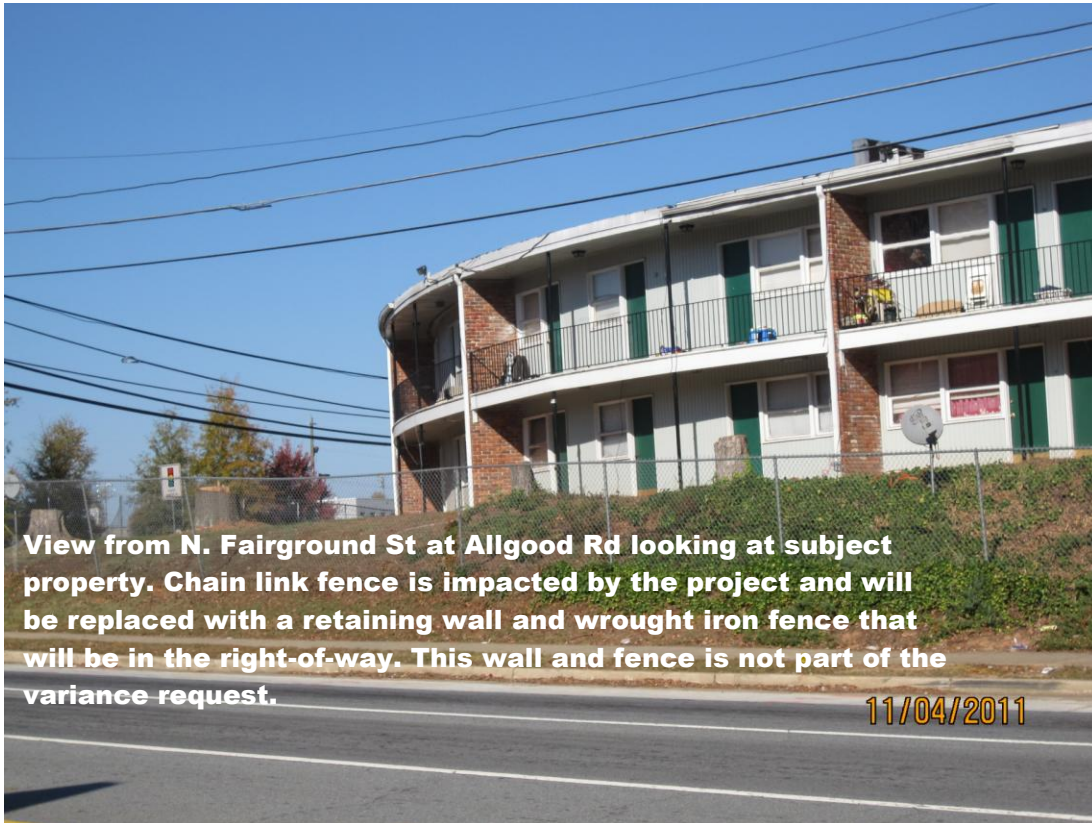
As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

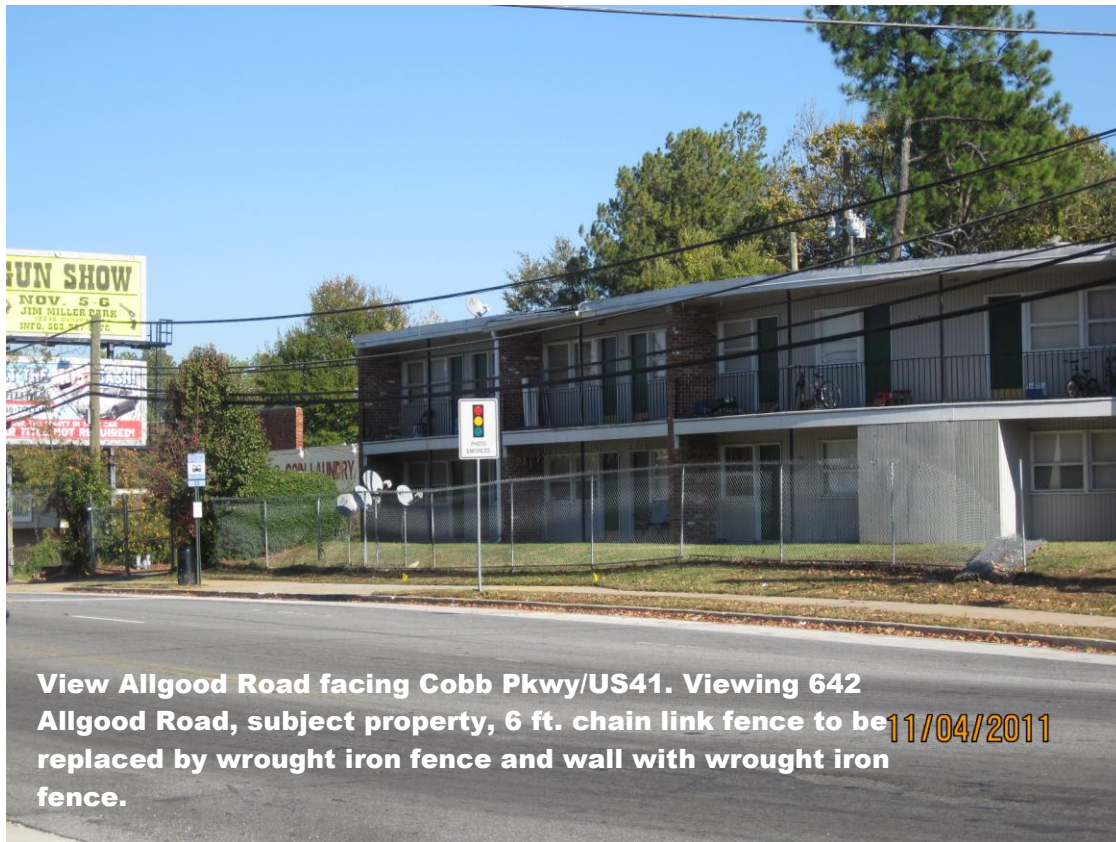
Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES







Recommended Action:

Approval. The applicant, Transamerica International, Inc. is requesting two (2) variances to allow the installation of a 6' wrought iron fence along the front and side property lines that run parallel to the right-of-way. The subject property is currently zoned PRD-MF (Planned Residential Development – Multi-Family), and is known as 642 Allgood Road. The subject property is a corner parcel and is bounded by Allgood Road to the north and N. Fairground Street to the west. The properties that directly abut the subject property to the east are zoned CRC (Community Retail Commercial), to the south CRC (Community Retail Commercial) and OI (Office Institution).

This variance request came about due to a road improvement project that the City of Marietta Public Works (PW) Department is constructing; which has been designed and is soon to be under construction. The PW Department is preparing to install roadway improvements by placing a roundabout at Allgood Road at N. Fairground Street, and is to install a landscaped median along N. Fairground Street. The improvements will impact the subject property by removing the existing 6 ft. chain link fence that extends along the east side of N. Fairground Street, and follows the curve of the road to Allgood Road. With the approval of the requested variance, this fence would be replaced by a 6' wrought iron fence to be installed along the property line, and within the right-of-way.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

The construction plans for the road improvement project shows that the 6' wrought iron fence is to be installed along the frontage of the property, from the access driveway along N. Fairground Street to the access driveway on Allgood Road. However, in the curve of the road – as it transitions from N. Fairground Street to Allgood Road – the wrought iron fence will have to be placed on top a 4 ft. retaining wall. In this portion of the project, the retaining wall and fence will be constructed within the City's right-of-way and as such will not be considered as part of this variance request.

The variances that the applicant is seeking would allow them to increase the allowed fence height from 4 ft. to 6 ft. for the section of the fence that will be on their property, and will run along the street frontages of the front yard (Allgood Road) and side yard (N. Fairground Street). The applicant is also requesting a variance to reduce the distance a fence is to be set back from of the public right-of-way from 2 ft. to 0 ft. for those areas where the fence transitions from private property to public right-of-way. The entire new fence will be wrought iron and will have a maximum height of 6 ft. (A section of the older chain link fence along N. Fairground Street, south of the access driveway, will remain in place.)

The applicant has explained that safety and criminal activity is the main reason that the 6 ft. chain link fence was installed, and further explained that with a lower fence - 4 ft. in height - would not provide adequate security for their residents. Since the proposed 6' wrought iron fence would improve the safety of the subject property, as well as the overall aesthetics of the area, **Staff recommends approval of the requested variances.**